

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-53 are pending in this application. Claims 1, 13, 22, 33, 35, 44, and 53 are independent. The remaining claims depend, directly or indirectly, from claims 1, 13, 22, 33, 35, and 44.

Objections

The Examiner objects to the specification for lack of headings before each section of the specification. The specification has been amended to include the headings in accordance with the Examiner's suggestions. Additionally, the Examiner points out that in order to claim benefit of or priority to related applications, the specification must include a specific reference to the prior applications. Thus, the specification has been amended to include reference to the applications from which priority is claimed. Accordingly, withdrawal of these objections is respectfully requested.

In addition, the Examiner objects to the title of the application because the title is not descriptive. Applicant asserts that the new title is clearly indicative of the invention to which the claims are directed. Accordingly, Applicant respectfully requests the Examiner acknowledge acceptance of the new title.

Rejection(s) under 35 U.S.C. § 102

Claims 1-5, 7-9, 11, 13-16, 18-26, 28-30, 32-33, 35-38, 40-47, 49-51, and 53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,229,621 ("Kulakowski"). This rejection is respectfully traversed.

The present invention is directed toward a technique for broadcasting a message to a user, where the message includes a portion of text, and where the message is broadcasted in the form of an entitlement management message (EMM). An EMM message is typically linked to access

control and is defined by a specific structure (*See* Specification, page 1, lines 30-31). An EMM message includes one or more of at least one identifier to define a group of users for whom the message is intended (*See* Specification, page 2, lines 14-20), a type specifier used to specify that the message is of a type which includes a text portion (*See* Specification, page 3, lines 16-17), a priority section used to specify the priority of the message (*See* Specification, page 3, lines 19-21), and a signature for verifying the contents of the message (*See* Specification, page 3, 23-25). An exemplary structure of an EMM in accordance with an embodiment of the invention is shown in Figure 3. *See also* Specification, page 13, lines 4-12. The text portion of the EMM may be text in the form of ASCII characters, which may be used for display on, *e.g.*, a user television screen, or the text may be announced to a user over, *e.g.*, a radio system (*See*, Specification, page 2, lines 22-25).

Independent claims 1, 13, 22, 33, 35, 44, and 53 all require, in part, that a broadcasted message be in the form of an EMM. Kulakowski fails to disclose at least the limitations of the claimed invention discussed above. Kulakowski discloses broadcasting, receiving and printing packets of information using bit-string selection means. The message broadcast in Kulakowski may be a coupon, an advertisement, warning, etc. (*See* Kulakowski, Abstract). With respect to the rejection of the claims, it is asserted that the message bank table shown in Figure 4 of Kulakowski discloses an EMM as defined in the present invention (*See* Office Action, page 3). Figure 4 of Kulakowski shows a message bank table, which *sorts messages based on the criteria* shown (*i.e.*, priority, message type, etc.). The message bank table is a repository for storing and processing messages that are to be distributed (*See* Kulakowski, col. 7, ll. 4-7). The criteria shown in the message bank table of Kulakowski is not criteria that are included in the message that is broadcast. Rather, the message bank table disclosed in Kulakowski is responsible for processing the messages stored within it on a daily basis and the message bank table simply organizes the messages that according to the criteria listed on the top of the table shown in Figure 4 (*See* Kulakowski, col. 7, ll. 22-28). In the present invention, the EMM *message itself* that is broadcast and received includes elements such as the priority, type, etc.

Kulakowski, on the other hand, does not even disclose the structure of the messages that are broadcast because the messages are simply items such as coupons, advertisements, appointment reminders, etc. Thus, the messages broadcast and received in Kulakowski have no specific structure; the structure could vary depending on the type of message. Thus, it is clear

that the messages disclosed in Kulakowski are distinct from the EMMs required by the claims of the present invention.

In view of the above, it is clear that Kulakowski fails to disclose or suggest each and every limitation of the claimed invention. Thus, independent claim 1 is patentable over Kulakowski. Further, independent claims 13, 22, 33, 35, 44, and 53 include similar allowable subject matter (*i.e.*, an entitlement management message) and are allowable over Kulakowski for at least the same reasons. Dependent claims 2-5, 7-9, 11, 14-16, 18-21, 23-26, 28-30, 32, 36-38, 40-43, 45-47, and 49-51 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. 103

Claims 6, 17, 27, 39, and 48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski in view of U.S. Patent No. 6,005,565. This rejection is respectfully traversed.

As discussed above, Kulakowski fails to disclose all the limitations of the independent claims 1, 13, 22, 35, and 44. Legall also fails to disclose each and every limitation of these claims or supply that which Kulakowski lacks. Legall discloses a power search tool that enables a user to search an electronic program guide and other resources easily (*See* Legall, Abstract). Legall is completely silent regarding broadcasting and receiving an EMM, as required by the claimed invention. Thus, independent claims 1, 13, 22, 35, and 44 are patentable over Kulakowski and Legall, whether considered separately or in combination. Further, dependent claims 6, 17, 27, 39, and 48 are patentable for at least the same reasons.

Further, Applicant asserts that, with respect to Legall, there is no motivation or suggestion to combine the teachings of Legall with the disclosure of Kulakowski. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must *both* be found in the prior art, *not* in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) (emphasis added). Further, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). In other words, there must be some objective reason to combine the teachings of the reasons. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

With respect to the instant action, Kulakowski is not at all concerned with searching electronic program guides. Further, Kulakowski does not, in any way, suggest a desire to provide any type of search tool or search method to allow a user to search electronic program guides with just one search. A complete study of Kulakowski and Legall confirms that, regardless of whether the teachings of Kulakowski and Legall can be combined, there is no suggestion or motivation set forth in either Kulakowski or Legall to combine the teachings of these references. Absent such a suggestion or motivation, the teachings of Kulakowski and Legall cannot be conveniently combined to render the claimed invention obvious. Thus, the independent claims and associated dependent claims 6, 17, 39, and 48 are patentable over Kulakowski and Legall whether considered separately or in combination. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 10, 31, and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski in view of U.S. Patent Publication No. 2001/0011350 ("Zabetian"). This rejection is respectfully traversed.

As discussed above, Kulakowski fails to disclose all the limitations of the independent claims 1, 22, and 44. Zabetian also fails to disclose each and every limitation of these claims or supply that which Kulakowski lacks. Zabetian discloses certifying electronic documents and to time-stamping and verifying time-stamps for documents transmitted using network resources (*See*, Zabetian, Abstract). Zabetian is completely silent with respect to broadcasting and receiving messages in the form of EMMs including a portion of text. Thus, it is clear that independent claims 1, 22, and 44 are patentable over Kulakowski and Zabetian, whether considered separately or in combination. Further, dependent claims 10, 31, and 52 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski in view of U.S. Patent No. 6,449,494 ("Cashman"). This rejection is respectfully traversed.

As discussed above, Kulakowski fails to disclose all the limitations of the independent claims 1, 22, and 44. Cashman also fails to disclose each and every limitation of these claims or supply that which Kulakowski lacks. Cashman discloses a portable radio telephone handset that

operates as a data transfer terminal as well as an analog cellular telephone subscriber station. Two modes of operation, an analog cellular communication mode and a Cellular Digital Packet Data (CDPD) mode, are available in the handset (*See Cashman, Abstract*). The handset distinguishes between paging signals indicating CDPD mode communications and those indicating analog cellular communications (*See Cashman, Abstract*). The handset also automatically preempts CDPD communications in favor of analog cellular communications such as those carried out in an AMPS configuration (*See Cashman, Abstract*). Cashman fails to disclose broadcasting EMMs that contain a text portion to users. In fact, the only messages that Cashman discloses are notification messages and AMPS paging messages (*See e.g., col. 3, ll. 42-43 of Cashman*), which are distinct from the EMM messages that are required by the independent claims 1 and 33.

Thus, it is clear that independent claims 1 and 33 are patentable over Kulakowski and Cashman, whether considered separately or in combination. Dependent claims 12 and 34 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully traversed.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/044001).

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Respectfully submitted,

By 

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